Application No. 09/449,001
Filed: November 24, 1999
TC Art Unit: 2685
Confirmation No.: 5697

REMARKS

Claims 1-22, 24-28, 30-33, 35-38, and 40-56 are pending upon entry of the foregoing amendments.

REVIVAL OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

On Oct. 18, 2004, Applicant submitted a Request for Continued Examination (RCE) in the present application along with an Information Disclosure Statement (IDS). Per 37 CFR §1.114(a), an RCE must be accompanied by "a submission," the definition of which does not include an IDS. Consequently, the present application became abandoned upon the expiration of the period for filing an appeal brief subsequent to Applicant's Notice of Appeal, filed Aug. 20, 2004.

Applicants now petition the Office to revive the present application under 37 CFR §1.137(b). The present RCE and Preliminary Amendment are intended to fulfill the requirement of 37 CFR §1.137(b)(1). Included with this Preliminary Amendment is authorization to charge the petition fee of $1500 per 37 CFR §1.17(m) to Deposit Account No. 23-0804, per 37 CFR §1.137(b)(2). Finally, per 37 CFR §1.137(b)(3), Applicant states that the entire delay in filing the present Preliminary Amendment from the due date until the filing date of the present grantable petition was

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unintentional. No terminal disclaimer per 37 CFR §1.137(b)(4) is

believed to be required.

REQUEST FOR CONTINUED EXAMINATION

Applicant submits herewith a Request for Continued

Examination per 37 CFR 1.114. The present Preliminary Amendment

is intended to serve as the requisite "submission" per 37 CFR

§1.114(a). Included with this Preliminary Amendment is

authorization to charge the RCE fee of $790 per 37 CFR §1.17(e) to

Deposit Account No. 23-0804.

PRELIMINARY AMENDMENT

Following the Final Office Action dated May 20, 2004, claims

1-56 stood rejected under 35 USC §102(e) as being anticipated by

U.S. Pat. No. 6,047,179 to Kirby. Applicant has amended claims 1-

4, 7, 12-15, 21, 24, 26, 28, 30, 32-33, 35, 37-38, 40-43, and 46-

56. Claims 23, 29, 34, and 39 are canceled without prejudice.

U.S. PAT. NO. 6,047,179 (KIRBY)

Kirby discloses an Inter-Message Translator (IMT), which by

its very name describes its (distinguishable) functionality.

> "The present invention obtains information from a
> wireless network with respect to a specific wireless

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unit.   If necessary, the information may be translated
from the protocol used by that wireless network or by an
element of that wireless network, such as the debit
platform of that wireless network."

(Kirby, col. 4, 11. 57-63; emphasis supplied).

If the data is in a protocol particular to the visited
wireless network or to an element of the visited
wireless network such as the visited debit platform
("visitor's protocol"), that is, if the data is provided
in a computer language, application or format particular
to the visited wireless network or to the visited debit
platform, then the translator may translate the data
from the visitor's protocol as necessary.

(*Id.*, col. 5, 11. 20-27; emphasis supplied).

Generally, the present invention includes a method for
exchanging information relating to a specific wireless
unit between a visited wireless network where the unit
is roaming and the home wireless network of the unit.
... The data is formatted into a standard inter-network
communications message. The data may be translated from
the visitor's protocol. The data then may be formatted
into the standard inter-network communications message,
which is transmitted to an element of the home wireless
network.

(*Id.*, col. 5, 11. 52-65; emphasis supplied).

[O]ne function of the translator 30 is to receive the
data regarding the wireless unit from an associated
debit platform 26, to translate, if necessary, the data
from the visitor's protocol, to format the data into a
standard inter-network communications message, and then
to transmit this standard inter-network communications
message with the data for further routing to another
wireless network.
      In this example, another function of the translator
30 may be to receive responsive information and to pass

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it to an associated debit platform 26. In particular, the translator 30 may receive a standard inter-network communication response message that includes authorization information from another wireless network. Upon receipt, <u>the translator 30 may extract the authorization information</u> from the standard inter-network communications response message. If appropriate, <u>the translator may translate the authorization information</u> into the visitor's protocol. Then, the translator may provide the authorization information to an associated debit platform 26.

(*Id.*, col. 14, ll. 44-63; emphasis supplied).

These translator application(s) preferably handle the <u>formatting or translation</u> of data or information as appropriate between network elements. For example, these <u>translator application(s) 130 may translate data from the protocol of a debit platform and format the data into a standard inter-network communications message for further routing to another network.</u>

(*Id.*, col. 17, ll. 46-52; emphasis supplied).

Kirby is replete with other similar citations; it is believed these fully exemplify the functionality disclosed by the translators of Kirby. The fundamental functions provided are data extraction, data packaging, and data translation. Switching functionality is also suggested in certain embodiments though that is irrelevant to the present analysis.

Significantly, what the translators of Kirby do <u>not</u> perform is selective *modification* of the data handled thereby. In other words, the translators of Kirby are capable of recognizing that

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data must be reformatted prior to transmission, but do not

function to alter the underlying data itself based upon

characteristics associated with the destination of the data or any

based upon any other criteria.

CLAIM 1

Claim 1 of the present application, as amended, recites a

location register capable of collecting a requested subscriber

profile, making a determination as to whether a prepaid platform

is associated with the market of the serving mobile switching

center, and:

> "selectively modifying the requested and collected
> subscriber profile <u>based on whether a prepaid platform
> is associated with the respective market of the serving
> mobile switching center</u>, ... where the selective
> modification of the requested and collected subscriber
> profile by the location register is <u>for enabling the
> serving mobile switching center to employ the prepaid
> platform associated with the respective market and
> thereby to enable the provision of prepaid services to
> the roaming subscriber</u>."

Unlike Kirby, the claimed system requires a location register

to selectively modify the underlying *data* involved based upon

parameters associated with the market of the serving mobile

switching center, not simply on the basis of the required *data*

format as taught by Kirby.

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CLAIM 12

Claim 12 recites a system for processing calls from a
subscriber. A location register is claimed as being capable of
determining whether a prepaid platform is associated with a
respective market for a mobile switching center, and *selectively*
modifying the requested and accessed subscriber profile on the
basis of whether a prepaid platform is associated with the
respective market of the mobile switching center, where the
selective modification enables the mobile switching center to
employ the prepaid platform associated with the respective market.

Consequently, claim 12 recites a system which modifies data
based upon the configuration of a destination of the data, the
modification ultimately altering the functionality of the elements
receiving the data. The translator of Kirby provides no similar
capability.

CLAIMS 21, 28, 33, AND 43

Claims 21, 28, 33, and 43 provide methods for processing
calls from a subscriber. A subscriber profile is selectively
modified on the basis of whether a prepaid platform is associated
with the respective market of a serving mobile switching center.
Once again, the present claims pertain to selective data

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modification, not simply translating or reformatting, as taught by Kirby.

CLAIMS 38 AND 51

These claims recite processor programs for processing calls (claim 38) and for routing a call (claim 51). Both require a determination as to whether a prepaid platform is associated with a market of a serving mobile switching center. Based upon this determination, a profile associated with a subscriber associated with the call is modified, the modification ultimately effecting the routing of the call.

Kirby provides no disclosure of the alteration of data on the basis of the configuration of a destination network or system whereby the routing of a call is affected.

DEPENDENT CLAIMS

The remaining claims which were not specifically addressed in the foregoing remarks are also believed to be allowable over Kirby at least on the basis of being dependent from allowable base claims. Other distinctions are also believed to exist, the elucidation of which is not believed to be necessary in view of the foregoing.

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CONCLUSION

In view of the foregoing amendments and remarks, the Examiner is requested to reconsider the rejections and allow the claims. If a telephone conference would be of use in forwarding the present application towards allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

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